

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEROME BRAY

Plaintiff,

Civil Case No. 23-10410
Honorable Linda V. Parker

v.

ETHAN BERGER, *et al.*

Defendants.

**OPINION AND ORDER ADOPTING APRIL 9, 2024 REPORT AND
RECOMMENDATION (ECF No. 30)**

Pro se Plaintiff Jerome Bay (“Plaintiff”) commenced this lawsuit against Defendants Ethan Berger (“Defendant Berger”) and David Skeans (“Defendant Skeans”) (collectively “Defendants”) on February 16, 2023. (ECF No. 1.) On December 20, 2023, Defendant Berger filed a motion for judgment on the pleadings. (ECF No. 22.) Plaintiff filed a timely response. (ECF No. 26.) The matter has been assigned to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 24.)

On April 9, 2024, Magistrate Judge Grand issued a report and recommendation (“R&R”) recommending that the Court grant Defendant Berger’s

motion for judgment on the pleadings and *sua sponte* dismiss Defendant Skeans as Plaintiff's claims are barred by the statute of limitations. (ECF No. 30 at PageID. 148.) At the conclusion of his R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Defendant Berger's motion for judgment on the pleadings is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Skeans is *sua sponte* dismissed as a party.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 11, 2024

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 11, 2024, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager